

REMARKS

Applicants thank the Examiner for a personal interview with the applicants' representatives. Following is a summary of the interview. The differences between the current claims and the cited references were discussed. It was agreed that the current claims (1-35) related to stimulation without the creation of action potentials for increasing insulin differ from Renrie. It was also agreed that if the current application can claim priority from the Ben-Haim patent (and publication referred to below), the rejection using those references would be moot.

The application contains claims 1-40. Claims 1-35 stand rejected as being anticipated by various ones of PCT publication WO99/03533, US patent 6,571,127 (both to Ben-Haim et al.) and PCT publication WO98/57701 to Renrie. Claims 36-40 are new claims added to further define the invention.

As agreed at the interview, the rejection under Renrie is withdrawn since Renrie does not suggest using a "a pulse that does not initiate an action potential" or a "non-excitatory pulse" to increase insulin secretion, as required in claims 1 and 32, the independent claims.

The present application has been amended to claim continuation-in-part status from 09/481,253 which shares pendency, inventor(s) and subject matter. Applicant has made this amendment to expedite issuance of a patent and reserves the right to argue similar or broader claims in a continuation application, without claiming such status. A petition and fees to this effect is being filed herewith. A new declaration, if required, will be filed once the petition is accepted.

Applicant has added new claims 36-39 to further define the invention. Claim 36 is a broader version of claim 35. Claim 37 is dependent on claim 36 and adds a further limitation. Claim 38 is based on the limitation of claim 8. Claim 39 is based on the specification (e.g., the section entitled "pancreatic response control" on page 15). Claim 40 is based on claims 1 and 32 and is broader.

Applicants believe the application is in condition for issuance. A notice to such effect is respectfully requested.

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Respectfully submitted,
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